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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,261	01/21/2004	Kia Silverbrook	RRA32US	1037

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AUSTRALIA

EXAMINER

CHOI, HAN S

ART UNIT	PAPER NUMBER
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2853

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/760,261

Applicant(s)

SILVERBROOK, KIA

Examiner

Han S. Choi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/26/06 has been entered.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-5 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5 of copending Application No. 10/760186 in view of Kobayashi et al. (US 2001/0030675).

Claims 1-5 of the copending application contain the limitations of the pending application except for a locking feature being configured to allow disengagement only upon cooperation with an unlocking tool.

Kobayashi et al. the locking features [105 and 111] being configured to allow disengagement only upon cooperation with an unlocking tool (screwdriver) in [Paragraph 0106] and [Paragraph 0107, Lines 1-4].

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the ink container of the copending application with the locking and unlocking feature of Kobayashi et al. with the ink cartridge of the copending application for the purpose of disassembling the ink cartridge in [Paragraph 0107].

This is a provisional obviousness-type double patenting rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi et al. (US 2001/0030675).

Referring to claim 1:

- a housing [1] comprising first [10] and second portions [11] movable relative to each other in [Paragraph 0100, Lines 3-6] shown in Fig. 6.
- a reservoir [14] for storing printing fluid having an outlet [160] arranged to dispense the stored printing fluid to a point external to the housing [1] in response to relative movement of the first [10] and second portions [11] in [Paragraphs 0021 and 0023] and [Paragraph 0104].
- the first [10] and second portions [11] include locking features [105 and 111] arranged to prevent disengagement of said portions relative to each other subsequent to said dispensing, the locking features [105 and 111] being configured to allow disengagement only upon cooperation with an unlocking tool (screwdriver) in [Paragraph 0106] and [Paragraph 0107, Lines 1-4].

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hetzer et al. (US Pat. 5,940,103) in view of Yuen (US Pat. 6,799,610) and Mochizuki et al. (US Pat. 6,264,314).

Hetzer et al. discloses the basic elements of the claimed invention. Hetzer et al. teaches a housing [12] comprising first [2] and second portions [11] movable relative to each other shown in Fig. 1. Hetzer et al. teaches a reservoir [1] for storing printing fluid having an outlet [3] arranged to dispense the stored printing fluid to a point external to the housing [12] in response to relative movement of the first [2] and second portions [11] in [Col. 3, Lines 52-59] shown in Fig. 2. Hetzer et al. teaches the first [2] and second portions [12] comprising a base (portions of [11] that is attached to the spring) and a plunger (top portion of [2] attached to the spring) shown in Fig. 1. Hetzer et al. teaches the first [2] and second portions [11] include locking features, comprising one or more complementary protrusions and indentations [211 and 1421] formed into opposing walls of the base [11] and plunger [2], arranged to prevent disengagement of said portions relative to each other subsequent to said dispensing in [Col. 3, Lines 21-26] shown in Fig. 1. Hetzer et al. does not teach a reservoir comprising a deformable container and allowing disengagement only upon cooperation with an unlocking tool.

Yuen teaches in [Col. 3, Lines 5-9] the apparatus including a deformable ink pouch [16] in [Col. 2, Lines 49-50] that is positioned in the housing so that when first [12] and second [14] housing members move relative to each other or compresses, ink flows from the ink pouch [16].

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the deformable ink pouch [16] of Yuen with the printing fluid dispenser of Hetzer et al. for the purpose of permitting the ink pouch to be essentially flattened when a compression force is exerted on the pouch so substantially all of the ink is forced to exit the pouch in [Col. 4, Lines 56-67].

Mochizuki et al. teaches an unlocking tool (jig or other tool) to disengage the first [6] and second portions [4] which are locked in [Col. 4, Lines 35-45] shown in Fig. 1.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the unlocking tool of Mochizuki et al. with the cartridge of Hetzer et al. for the purpose of assuring that the case and the cover can repeatedly be used in [Col. 2, Lines 25-28].

Conclusion

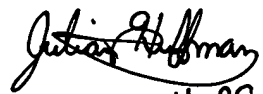
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Han S. Choi whose telephone number is (571) 272-8350. The examiner can normally be reached on Monday - Friday, 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HSC
7/24/06


Julian D. Huffman
Art Unit 2853
24 June 2006